

SECTION II DEFINITIONS

1-10 Word Usage: For the purposes of this Article, the following rules of interpretation shall apply:

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural number, and vice versa.
- C. Words used to include the male gender include the female gender, and vice versa.
- D. The word “used” shall also include arranged, designed, constructed, altered, converted, rented, leased or intended to be used.
- E. The word “person” includes corporation or partnership as well as individuals.
- F. The word “lot” includes the word “plot”, or “premises”.
- G. The word “structure” includes the word “building”, “dwelling” or “residence”.
- H. The term “such as” shall be considered as introducing typical or illustrative designation of terms and shall not be construed as constituting a complete list.

The word “shall” is mandatory and not discretionary.

Any word or item not defined herein shall be used with a meaning as defined in Webster’s New International Dictionary of the English Language, unabridged and latest edition. Moreover, whenever a term is used in this Article which is defined in N.J.S.A. 40:55D-1, *et seq.*, such term is intended to have the meaning as defined in N.J.S.A. 40:55D-1, *et seq.*, unless specified to the contrary in this Article.

1-11 Definitions: Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning herein indicated.

ACCESS – a physical entrance to property.

ACCESSORY, BUILDING, STRUCTURE OR USE – a building, structure or use which is customarily associated with and is incidental and subordinate to the principal building, structure or use, and which is located on the same lot therewith, including, but not limited to, playhouses, docks, greenhouses, bathhouses, boat houses, tool sheds or storage sheds, decks, and non-portable swimming pools. Any accessory building attached to the principal building shall be considered part of the principal building. No accessory building or structure shall exceed one hundred (100) square feet and shall have a maximum height of not more than fourteen (14) feet to peak of roof.

ACCESS-WAY – a single vehicular entrance and/or exit combination between a street and a lot.

ADMINISTRATIVE OFFICER – The Secretary to the Planning Board, or Secretary to the Zoning Board of Adjustment, as the case may be, unless a different municipal official is designated by ordinance, statute, or by the Mayor to administer certain of the responsibilities and authorities specified for the Administrative Officer in N.J.S.A. 40:55D-1 *et seq.*

AGENT – one or more persons designated to represent the applicant before the Planning Board.

ALSLE – the traveled way by which cars enter and depart parking spaces.

ALLEY – a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

ALTERATIONS – as applied to a building or a structure means a change or re-arrangement of the external structural parts or of the existing facilities, or an enlargement, whether by extension of a side or by increasing in height or by moving from one location or position to another.

APPLICANT – shall mean the landowner or the agent, optionee, contract purchaser or attorney authorized in writing to act for the landowner submitting an application under this Ordinance.

APPLICATION FOR DEVELOPMENT – shall mean the application or appeal forms, together with the required fees and all accompanying documents required by this Ordinance for approval of a Subdivision Plan, Site Plan, Conditional Use, Zoning Variance or direction for issuance of a permit pursuant to N.J.S.A. 40:44D-34 or N.J.S.A. 40:44D-36.

AUTOMOBILE SALES LOT OR BUILDING – shall mean a lot or building used for the sale or hire of automotive equipment. This shall be interpreted to include new and used car dealerships and auto accessory sales rooms but not the sale of junked automotive equipment.

AWNING – a roof-like covering of canvas, aluminum or other material attached to a metal or other frame which is entirely supported by the building or other structure to which it is attached.

BABY SITTING – An activity provided in an occupied residence in which child care is provided only for a child or children related to the resident caregiver, or only for a child or children of one unrelated family, or only for a combination of such children; not being a child care center or family daycare home. Babysitting is a permitted accessory use in all Borough residences.

BANK – shall be a commercial bank, savings and loan, or savings bank.

BASEMENT – shall mean the portion of a building that is partly below grade which has more than one-half (1/2) of its height measured from floor to ceiling, above the average finished grade of the ground adjoining the building. A basement shall be counted as a story if used for business or dwelling purposes other than for a janitor employed on the premises.

BEDROOM – shall mean a room planned or used primarily for sleeping.

BED AND BREAKFAST – a portion of a residential dwelling unit containing sleeping accommodations without individual cooking facilities which are used, let or hired out for compensation for the use of temporary guests. A central dining area may be utilized to furnish meals only to the guests.

BILLBOARD – shall mean any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes other than on a building or the grounds to which the advertising applies. Billboards are prohibited in all zoning districts.

BLOCK – the area bounded by one or more streets or a municipal boundary and of sufficient size to accommodate a lot or lots of minimum size required as further specified herein.

BOARD – shall mean the Planning Board of the Borough of West Wildwood.

BUFFER – an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, and/or fences, designed to continuously limit view of and/or sound from the site to adjacent sites or properties.

BUILDABLE AREA – shall mean that portion of a lot lying between required yards and/or setback lines.

BUILDING – shall mean a combination of materials to form a construction adapted to a permanent, temporary, or continuous occupancy and having a roof. A houseboat is not defined as a building.

BUILDING AREA – shall mean the horizontal plan projection taken at grade level of all covered or roofed areas and uncovered porches or decks on a lot, whether permanent or temporary.

BUILDING HEIGHT – the vertical distance measured to the topmost point of the roof from the base flood elevation.

BUILDING LINE – shall mean a line formed by the intersection of a horizontal plane and average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building, the vertical plane will coincide with the most projected surface. All yard requirements shall be measured to the building line.

BULKHEAD LINE – a line established by the governing body for the construction, erection, building, maintaining and keeping in repair of bulkheads to protect public and private property from encroachment by waters.

CALIPER – the diameter of a tree trunk measured in inches, six (6) inches above ground level for trees up to four (4) inches in diameter and measured twelve (12) inches above ground level for trees over four (4) inches in diameter.

CAPITAL IMPROVEMENT – means a governmental acquisition of real property or major construction project.

CARPORT – an attached or detached accessory building for the storage of motor vehicles and constructed primarily as an open building with only a roof and the necessary supporting columns.

CARTWAY – shall mean the hard or paved surface portion of a street customarily used for vehicles in the regular course of travel. Where there are curbs, the cartway is that portion between the curbs. Where there are no curbs, the cartway is that portion of the paved or graded width.

CELLAR – shall mean the portion of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average finished grade of the ground adjoining the building. A cellar shall be counted in floor area ratio and/or square footage computations if used for business purposes other than for ancillary storage. A cellar shall not be used as a habitable space.

CERTIFICATE OF OCCUPANCY – a statement signed by the Construction Official, setting forth that a particular lot or a particular structure may lawfully be occupied for a specific use or uses.

CHANGEABLE COPY – information which relates to changing events and/or messages relating to the structure and use to which the sign relates.

CHILD CARE CENTER – any facility which is maintained for the care, development and supervision of six (6) or more children under the age of six (6) who attend the facility for less than twelve (12) hours a day and which offers such programs as day care center, drop-in centers, recreation-type centers sponsored and operated by a county or municipal government, centers serving mildly sick children, centers that had not been licensed by the NJ Department of Human Services prior to the enactment of the Child Care Center Licensing Act of 1984, day nursery schools, play schools, cooperative child centers, centers for children with special needs, infant-toddler programs, employment related centers, and/or kindergartens that are not an integral part of a provide educational institution or system offering elementary education in grades kindergarten through sixth. A Child Care Center shall not offer programs operated by a private day school of elementary and/or high school grade, special activity programs for children, youth camps, and/or religious classes.

CIRCULATION – means systems, structures and physical improvements of the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods of such means as terminals, stations, warehouse, and other storage buildings or trans-shipment points.

COMMON OPEN SPACE – an open space area within or related to a site, and designed and intended for the use of enjoyment of residents and owners of the development.

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED – shall mean any community residential facility licensed pursuant to P.L. 1977 c. 448 (C.30:11B-1 et. seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility, within the meaning of the “Health Care Facilities Planning Act” (@.L. 1971, c. 136; N.J.S.A. 26:2H et. Seq.). In the case of such a community residence housing mentally ill persons, such residence shall have been

approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this act, “developmentally disabled person” means a person who is developmentally disabled as defined in Section 2 of P.L. , 1977, c. 448 (N.J.S.A. 30:1 1 B-2), and “mentally ill person” mean: a person who is afflicted with a mental illness as defined in N.J.S.A. 30:4-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE – shall mean any shelter approved for a purchase of a service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to I:L. 1979, c 337 (N.J.S.A. 30-40-I-14) providing food, shelter, medical care, legal assistance personal guidance, and other services to not more than fifteen (15) persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

COMPLETE APPLICATION – an application for development shall be complete for purposes of commencing the applicable time period for action by the Municipal Agency. In the event the application is not certified to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes for commencing the applicable time period for action by the Planning Board or Zoning Board unless: (a) the application lacks information indicated on a checklist adopted by ordinance and provided to the applicant; and (b) the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of the submission of the application. The applicant may request that one or more of the submission requirements be waived within forty-five (45) days. The appropriate Board may subsequently require correction of any information found to be in error and submission of additional information not specified in the Ordinance or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application have been met. The application shall not be deemed incomplete for lack of any such additional information or any revision in the accompanying documents so required by the Planning Board.

CONCEPT PLAN – a preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

CONDITIONAL USE – shall mean a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as specified in this Ordinance and up on issuance of authorization by the Planning Board or Zoning Board, as applicable.

CONSTRUCTION OFFICIAL – shall mean the Municipal Official specified in the building code and designated as such by the Borough Commissioners responsible for the enforcement of the State Uniform Construction Code.

CONTIGUOUS PARCEL – shall mean tracts of land which share a common boundary.

CONVENTIONAL – means development other than planned development.

COUNTY MASTER PLAN – means a composite of the Master Plan for the physical development of the county in which the municipality is located, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board pursuant to R.S. 40:27-2 and R.S. 40:27-4.

COUNTY PLANNING BOARD – means the County Planning Board, as defined in Section 1 of P.L. 1968, c. 285 (C. 40:27-6:1), of the county in which the land or development is located.

COVERAGE, BUILDING – shall mean the square footage or other area measurement by which all buildings occupy a lot as measured in a horizontal plane around the periphery of the foundation and including the area under any roof extending more than two (2) feet beyond the foundation.

COVERAGE LOT – shall mean the square footage or other area measurement by which all buildings and impervious surfaces cover a lot as measured in a horizontal plane to the limits of the impervious area(s), such as surface areas, walkways, patios and plazas. All parking spaces and lots, swimming pools, buildings, roads, driveways, walkways, tennis courts, patios, decks and any other structure or on-site material or ground condition that does not permit the natural absorption of water shall be included in the computation of lot coverage.

CUL-DE-SAC OR DEAD END STREET – a street with only one outlet and having the other end for the reversal of traffic movement.

CURB – a raised margin within the right-of-way of a public street, along the edge of the paved portion of the street, serving the purposes of confining the limits of vehicular traffic; aiding in controlling and guiding storm water runoff and in defining the areas of a public right-of-way by pedestrian and vehicular traffic.

DAYS – shall mean calendar days.

DEDICATION – shall mean an appropriation or giving up of property to public use, which precludes the owner or others under him from asserting any right of ownership inconsistent with the use for which the property is dedicated.

DENSITY – the number of dwelling units per acre or square footage of residential designated use area for a dwelling unit type or types, computed by dividing the number of dwelling units of that type or types proposed to be built within that residential designated use area.

DEVELOPER – the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT – shall mean the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any

building or other structure, or of any excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land for which permission may be required pursuant to this Ordinance.

DEVELOPMENT REGULATION – a development rule or other Borough regulation of the use and development of land, or amendment thereto.

DEVELOPMENT REVIEW COMMITTEE – an advisory committee of at least four (4) Planning Board members may be appointed by the Chairman of the Board for the purpose of classifying and reviewing development plans in accordance with the provisions of this Ordinance, and such other duties relating to the land which may be conferred on this committee by the Board.

DRAINAGE – shall mean the removal of surface water or groundwater from the land by drains, grading or other means such as retention or detention basins, including control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply.

DRAINAGE AND UTILITY RIGHT-OF-WAY – shall mean the lands required for the installation and maintenance of storm water and sanitary sewers, water pipes or drainage ditches and other utilities, or lands required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY – is defined as a means of ingress and egress for vehicles to and from a property.

DRIVE-IN – shall mean premises constructed to cater primarily to the motoring public, whether or not serving pedestrians as well as the automobile trade, and used for the sale to the public of any product and providing curb and/or window counter service.

DWELLING – shall mean any permanent building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. Dwellings may include but not be limited to the following types:

- a) Dwelling, Single Family – a free-standing detached building on one lot or within a lot held in common ownership, serving one family.
- b) Dwelling, Two Family – a free-standing detached building on one lot, or within a lot held in common ownership serving two (2) families, with private exterior entrances to each dwelling.
- c) Dwelling, Semi-Detached – a free-standing detached building on one lot, or within a lot held in common ownership serving up to four (4) families, with private exterior entrances to each dwelling and in general, having the exterior appearance of a single family dwelling (e.g., duplex, triplex or quadraplex dwelling types).
- d) Dwelling, Multi-Family – a building or portion thereof used or designed as a residence for three (3) or more dwelling units including garden apartment and mid-rise apartment projects.
- e) Dwelling, Townhouse – a building containing at least four (4) connected dwelling units divided by common party walls, with private entrances to each dwelling. For purposes

of this article, “townhouse” may include units with simple, condominium or cooperative ownership or any combination thereof.

- f) Dwelling, Garden Apartment – three (3) or more dwellings located within a single building, with an entrance to each dwelling by direct access from the outside or through a common hall. Garden apartments may include buildings in cooperative or condominium ownership.

DWELLING UNIT – shall mean a group of interrelated rooms or structures, intended on designed for non-transient residential use of one family; separated from other dwelling units by lockable doors; having access to the outside without crossing another dwelling; and, having living and sleeping facilities, cooking facilities, fixed or portable, and complete sanitary facilities for the exclusive use of the occupants thereof.

EASEMENT – a right to use the real property of another created by deed or other legal means, for the benefit of private persons or the public, for one or more specific purposes such as access, drainage, conservation, or provision of utility services.

EDUCATIONAL INSTITUTION – shall mean any public or private educational institution normally subject to regulations prescribed by the State of New Jersey.

ENVIRONMENTAL COMMISSION – a Borough advisory body created pursuant to N.J.S.A. 40:56A-1 et. seq.

ENVIRONMENTAL IMPACT ASSESSMENT – a description and analysis of all possible direct and indirect effects that development will have on residents and the site itself as well as adjacent and noncontiguous areas.

ERECT – to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs and the painting of signs or displays on the exterior surface of a building, structure or natural surface.

EROSION – the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

ESTABLISHMENT – shall mean one place of business, or one permanent usage.

EXTERNALLY LIGHTED – any sign whose sole source of artificial illumination is outside the display portion of the sign.

FAÇADE SIGN – any sign attached to or painted on the building.

FAMILY – a single individual doing his own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separated housekeeping unit in a domestic relationship based upon birth, marriage or the functional equivalency thereof.

FAMILY DAY CARE HOME – any private residence approved by the New Jersey division of Youth and Family services or an organization with which the Division contacts for family care in which child care

services are regularly provided to no less than three (3) and no more than five (5) children for no less than fifteen (15) hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving child care services: (a) the child being cared for is legally related to the provider; or (b) the child is being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents, where no down payment for the care is being provided.

FAST FOOD ESTABLISHMENTS – shall mean a business establishment where food and drink are sold ready for consumption and where customers consume the food and drink either inside or outside the confines of the establishment.

FENCE – a structure erected as a solid or partially open vertical enclosure or barrier to access to or from a part or whole of a property, including walls, screens or hedges intended to be a “fence”.

FILLING STATION (see MOTOR VEHICLE SERVICE STATION) – shall mean any establishment servicing motor vehicles with fuel, supplies and accessories, but not major repairs; including establishments designated as motor vehicle service station or gasoline station.

FINAL APPROVAL – the official action of the Planning Board taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

FINAL PLAT – the final plat map of all or a portion of a subdivision which is presented for final approval.

FINANCIAL INSTITUTIONS – shall mean any structure wherein business of primarily a financial nature is transacted, such as: banks, savings and loans, mortgage companies and similar institutions.

FLOOD PLAIN – shall mean the relatively flat area or low lands adjoining the channel of a river, stream, watercourse, canal, or any body of standing water; which has been or may be covered by flood water.

FLOOR AREA RATIO (FAR) – shall mean the aggregate floor area, in square feet, of a building or group of buildings on a lot divided by the area, in square feet, of the lot.

GARAGE, PRIVATE – shall mean a building or enclosed space used as an accessory to the main building which provides the storage of motor vehicles and in which no occupation, business or service for profit is carried on. Said garages shall have solid floors (as opposed to dirt or gravel floors) and shall be limited in capacity to three (3) vehicles and one (1) story of a maximum height of sixteen (16) feet. Parking shall only be allowed in front of a garage if the motor vehicle does not encroach upon public property.

GARAGE, PUBLIC OR COMMERCIAL – shall mean a building or enclosed space other than a private garage, for the storage of motor vehicles exclusively or for the storage of motor vehicles at which filling station service, sales of accessories or repairs other than body and collision repairs and painting and refinishing, are permitted. This term does not include motor vehicle showrooms for new or used motor vehicles.

GARAGE REPAIR – shall mean any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

GRADE – the top of the curb at the highest point on the site.

GROSS FLOOR AREA – shall mean the sum of the gross horizontal areas of the several floors of a building or group of buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings “Gross Floor Area” shall not include: roof overhangs less than two (2) feet or any floors or portions thereof contained on terraces or balconies projecting beyond the exterior face of the building; areas occupied permanently by mechanical equipment; any space where the floor-to-ceiling height shall be less than seven (7) feet provided such space shall be used only for storage, building maintenance and operation activities; and roofed or enclosed areas devoted exclusively to off-street parking and loading spaces in excess of the number required by Ordinance.

GROUND COVER – low-growing plants or sod that in time form a dense mat covering the area in which they are planted preventing soil from being blown or washed away and the growth of unwanted plants.

GUEST HOUSE (see ROOMING HOUSE, HOTEL OR MOTEL) – a structure which provides sleeping rental units for temporary occupancy in which the units have access to a common interior hall or passageway.

HABITABLE FLOOR AREA – the enclosed horizontal area of a dwelling unit, measured inside of exterior walls and walls separating units, exclusive of open porches, open breezeways, and attached garages.

HARD SURFACE – as used herein, is defined as paving and base courses for parking, as follows:

- a) Bituminous concrete, laid hot or cold, a minimum depth of two (2) inches on a compacted base;
- b) Concrete, a minimum depth of four (4) inches.

HOME OCCUPATION – shall mean an occupation conducted in a dwelling unit, which is subordinate to the residential use and meets the criteria established for home occupations in this Ordinance.

HOME OCCUPATION SIGN – a sign that relates to any business or profession conducted within a structure whose primary use is residential and the occupant of that residence conducts the business therein.

HOMEOWNERS ASSOCIATION – a community association, including a condominium association, which is organized in a development in which individual owners have a shared interest in open space and facilities.

HOTEL OR MOTEL – a building which contains six (6) or more hotel units and/or dwelling units which are designed or intended to be used, let or hired out for compensation for transient occupancy by the public at large; contains a public lobby or public registration officer serving the guest rooms as the case may be; may contain one or more dining rooms; and has full time on-site management. Each unit shall include a minimum of two (2) rooms; a bedroom and a separate bathroom. This definition shall also mean and include any motor hotel, motel, or boatel, as the case may be, provided that this definition shall be construed to include any building or structure defined as a multiple dwelling with the NJ

Department of Community Affairs (as required under the Hotel and Multiple-Dwelling Health and Safety Law, N.J.S.A. 55:12-A-1 et seq.) and occupied or intended to be occupied as such.

HOUSEBOATS – a water borne vessel or boat whether self-propelled or not, fitted with living accommodations, designed and intended to be used primarily for on-site living or business use rather than for navigation and recreational boat uses. Houseboats are not permitted pursuant to this Ordinance.

HOUSEKEEPING UNITS – shall mean one (1) or more persons living together in one (1) dwelling unit on a non-seasonal basis and sharing living, sleeping, cooking, and sanitary facilities on a non-profit basis.

INTERESTED PARTY – shall mean in a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey or, in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under the provisions of this chapter, or whose rights to use, acquire, or enjoy property under the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) or this Ordinance, or under any other law of this State or of the United States have been denied, violated or infringed upon by an action or a failure to act under the provisions of this Ordinance.

IMPROVEMENT – shall mean any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction or installation for a period of not less than one hundred twenty (120) continuous days.

LAND – includes improvements and fixtures on, above or below the surface.

LANDSCAPING – shall mean an area of land restricted to landscape items which may also include such elements as natural features, earth berms, sculpture, signs, lighting, access-ways, bike- and pedestrian-ways, but not including motor vehicle parking, extending along the entire lot line where they are required. The width of a landscape area shall be measured at right angles to the lot line.

LANDSCAPE SCREEN/STRIP – shall mean a completely planted visual barrier (or having equivalent natural growth) composed of evergreen plants and trees and/or shrubs arranged to form both a low-level and a high-level screen.

LANDSCAPE TRANSITION BUFFER – shall mean an area of land restricted to landscape elements which may include lawns, plantings, natural features, sculpture, lighting, and pedestrian pathways, but not including motor vehicle parking extending along the entire lot line(s) where they are required. The width of a landscape buffer shall be measured at right angles to the lot line.

LOADING SPACE – shall mean an off-street parking space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading.

LOT – shall mean a designated parcel, tract or area of land established by a plat, shown on the Borough tax map, or otherwise as permitted by law and to be used, developed or built upon as a unit, including riparian lands.

LOT AREA – shall mean the area of a lot taken at its perimeter, exclusive of any portion within a public or private street right-of-way, including riparian lands.

LOT, CORNER – shall mean a lot at the junction of, and abutting on, two (2) or more intersecting streets, where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. Each corner lot shall have two (2) front yards; one (1) side yard and one (1) rear yard, the side and rear yard to be designated at the time of application for a development review or a construction permit.

LOT DEPTH – shall mean the length of a line, lying midway between and parallel to side lines or midway between and making equal angles with two (2) converging side lines, between the point of its intersection with the street line and the point of its intersection with a rear lot line.

LOT FRONTAGE – the distance between the side lot lines measured along the street line, measured at right angles to its depth.

LOT, FRONT OF – shall mean, in the case of a lot abutting one street only, the edge of the lot which abuts the street. When a lot abuts two (2) or more streets, the front of the lot is that abutting side, which is so designated on the lot plan by the owner; and abutting edges adjacent to the designated front shall be considered as sides of the lot. Any other edge abutting a street, which is not a front or side as above defined, shall also be considered a front.

LOT, INTERIOR – shall mean a lot other than a corner lot.

LOT LINE – the legal boundaries of a lot as determined on the tax maps or in the records of the Borough Engineer of the Borough of West Wildwood, including riparian lands.

LOT, THROUGH – shall mean a lot, other than a corner lot, which extends from one street to another, having frontage on both streets.

LOT WIDTH – shall mean the distance between the side lines measured parallel to the front lot line at the minimum front yard setback line.

MAINTENANCE GUARANTEE – shall mean any security, other than cash, which may be accepted by the Borough for the maintenance of any improvements required by this Ordinance.

MANUFACTURING – the adding of value to previously processed raw materials by reshaping, reworking, assembly, combining, or other means. Also, manufacturing includes light industrial operations such as electronic machine parts, small component assembly, and commercial laundries, employing more than five (5) people.

MARQUEE – any hood, canopy, awning, or permanent construction which projects from the wall of a building, usually above an entrance.

MARINA – a small harbor, inlet or boat basin devoted to the purpose of providing docks, berths, slips or tip-ups for boats and of providing services for boats.

MASTER PLAN – shall mean a composite of one or more written or graphic proposals for the development of the Borough as set forth in and adopted pursuant to N.J.S.A. 40:55D-1 et. seq.

MLUL – Municipal Land Use Law.

MOBILE SIGN – a sign which is not affixed to the building structure or permanently attached to a freestanding structure.

MOPED – any powered two-wheel transportation.

MOTOR VEHICLE SERVICE STATION – shall mean a structure and surrounding land used for the storage and sale of petroleum fuel primarily to motor vehicles and for accessory uses such as the sale of lubricants, accessories or supplies, and the performing of repairs. A service is not a repair garage, body shop, or a car wash.

MOUNTABLE CURB – a low curb with a flat slope designed to be crossed easily without discomfort.

MOVING LANE – any traffic lane where traffic movement is the primary, if not sole function.

MULCH – a layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, to prevent weeds from growing, to hold the soil in place, and to aid plant growth.

MUNICIPAL AGENCY – the Planning Board or Borough commission or any agency created by or responsible to the municipality when acting pursuant to this Ordinance.

MUNICIPALITY – shall mean the Borough of West Wildwood.

NON-CONFORMING BUILDING OR STRUCTURE – shall mean a building or structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of Zoning Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption, revision, or amendment.

NON-CONFORMING LOT – shall mean a lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but fails to conform to the requirements of the Zoning District in which it is located by reason of such adoption, revision or amendment.

NON-CONFORMING SIGN – any sign lawfully existing on the effective date of an Ordinance, or any amendment thereto, which is rendered non-conforming by reason of the adoption, revision or amendment thereof.

NON-CONFORMING USE – shall mean a use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption, revision or amendment.

NUISANCE – shall mean any offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of disturbance of another's rights

including the actual or potential emanation of any physical characteristics of activity or use across a property line which can be perceived by a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to noise, dust, smoke, fumes, odor, glare, flashes, vibrations, shock waves, heat, debris, litter trash sites, electronic or atomic radiation, effluent, noise of congregation of people especially at night, vehicular traffic, transportation of things by truck, rail or other means, invasion of non-abutting street frontage by parking, the obscuring or masking of adjacent or nearby property by projecting signs, marquees or canopies, or any adverse effect on value or desirability of nearby property caused by such matters as appearance, exposed storage of inoperable automobiles, junk, materials and neglect or dilapidation of lands or buildings.

NURSING HOME – shall mean a facility operated for the purpose of providing therein lodging, board, and nursing care to sick, invalid, infirm, disabled or convalescent persons for compensation and duly licensed by all governmental agencies.

OFFICE BUILDING – a structure where over half the floor area is utilized for the carrying out of consultation, record-keeping or clerical work or as a place where a professional conducts his business.

OFFICE COMPLEX – two (2) or more office buildings with common parking areas.

OFFICES – shall mean a space accommodating any or all of the following: executive, general corporate and clerical activities, research and consumer product development connected with service industries, such as financial, insurance, and banking; development of computer software; demographic, economic and statistical research; and activities of a similar character.

OFFICIAL COUNTY MAP – the map, with changes and additions thereto, adopted and established, from time to time, by Resolution of the Board of Chosen Freeholders of the County pursuant to N.J.S.A. 40:27-5.

OFFICIAL MAP – a map adopted by Ordinance pursuant to N.J.S.A. 40:55D-32 to 40:55D-36.

OFFICIAL SIGN – any sign, symbol or device erected and maintained by the federal, state, county or local government agency for the purpose of informing or guiding the public or for the protection of health, safety, convenience and general welfare as determined by the approving authority.

OFF-SITE – shall mean located outside the lot lines of the lot or portions of a lot but within the property (of which the lot is part) which is the subject of a development application or contiguous portion of a street or right-of-way or drainage or utility easement.

OFF-SITE SIGN – any sign located on a lot other than the lot occupied by the use, event or product which said sign identified.

OFF-STREET PARKING SPACE – a temporary storage area for a motor vehicle that is directly accessible to an access aisle, and that is not located on a dedicated street right-of-way.

OFF-TRACT – shall mean not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way or drainage or utility easement.

ON-SITE – shall mean located on a lot or portion of a lot which is the subject of a development application.

ON-STREET PARKING SPACE – a temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

ON-TRACT – shall mean located on the property which is the subject of a development application or a contiguous portion of a street or right-of-way.

OPEN SPACE – shall mean any-parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use of enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OPEN SPACE ORGANIZATION – shall mean an incorporated, non-profit organization operating in a planned development under recorded land agreement providing that each owner is automatically a member; each occupied dwelling unit is automatically subject to a charge for proportionate share of expenses for the organization’s activities and maintenance, including any maintenance costs levied against the organization by the Borough; and each owner and tenant has the right to use the common property.

OUTBUILDING – a subordinate structure on the same lot as the principal structure, separate from but accessory to said principal structure, such as detached garage, carport, greenhouse, work shed, and tool shed.

OWNER – shall be construed to include the attorney, purchaser, devisee, fiduciary or a person having vested interest in the property in question.

PARKING LOT – an off-street, ground level area, usually surfaced and improved for the temporary storage of motor vehicles.

PARKING SPACE – shall mean an area not less than nine (9) feet wide and eighteen (18) feet in length, either within a structure or in the open for the parking of motor vehicles, exclusive of driveways, access drives, fire lanes and public rights-of-way, except that nothing shall prohibit private driveways for dwelling units from being considered off-street parking areas, provided that no portion of such driveway within the right-of-way line of the street intersected by such driveway shall be considered off-street parking space. The width and length of each space shall be measured perpendicular to each other regardless of the angle of the parking space to the access aisle or driveway.

PATIO – an open air paved, wooden or similarly constructed recreation area adjacent to a house; a patio is similar to a porch, but distinguished therefrom by a lack of structural sides, columns or roofs.

PERFORMANCE GUARANTEE – shall mean any security, in accordance with the requirements of this Ordinance, which may be accepted subject to review and approval by the Borough Attorney in lieu of a requirement that certain improvements be completed prior to final approval of a development

application, including performance bonds; letters of credit, escrow agreements and other similar collateral or surety agreements.

PERMITTED USE – shall mean any use of land or buildings as permitted by this Ordinance.

PERSON – shall mean any association, partnership, corporation, cooperative group, trust or other entity as well as an individual.

PIER – a structure extending over land or water for use as a docking space or promenade.

PLAT – the map of a subdivision.

PLAZA – shall mean a continuous open area, accessible to the public at all times and designed to receive maximum sunlight containing but not limited to trees and other landscaping, seating, decorative pavement, art work and kiosks.

PORCH – an open “porch” is a roofed piazza or porte cochere which projects beyond the main wall of the building, the size of which is not to be included in determining the minimum habitable floor area, and must conform to all setback requirements. The columns supporting its roof shall present the minimum of obstructions to the view.

PRE-APPLICATION CONFERENCE – an initial meeting between applicants and/or developers and municipal representatives which affords applicants and developers the opportunity to present their proposals informally.

PRELIMINARY APPROVAL – the conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRELIMINARY FLOOR PLANS AND ELEVATIONS – architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form its scope, scale, and relationship to its site and immediate environs.

PRELIMINARY SUBDIVISION PLAT – a map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

PRINCIPAL BUILDING – shall mean a building in which is conducted the main or principal use of the lot on which said building is located.

PRINCIPAL FAÇADE – the portion of the building which faces the street which generates the most vehicular and pedestrian traffic as determined by the approving authority.

PRIVATE STREET – shall mean a street that is not publicly maintained or not intended to be publicly maintained.

PROFESSIONAL – a member of a recognized profession, such as doctors, ministers, architects, professional engineers, lawyers and such similar professional occupations, as to designated in Title 45 of the New Jersey Statutes Annotated. For the purpose of this Article, a barber, plumber, electrician, carpenter, or beautician shall not be considered a “professional.”

PROFESSIONAL OFFICE – shall mean the office of a member of a recognized profession or occupation, including architects, artists, authors, dentists, doctors, lawyers, veterinarians, ministers, musicians, optometrists, engineers, realtors and such other similar professions and/or occupations which may be so designated by the Board of Adjustment upon finding by such board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof, and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone in which it is located to a greater extent than for the professional activities listed herein.

PROPERTY OWNER – shall mean the record holder of title.

PUBLIC AREAS – public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

PUBLIC DEVELOPMENT PROPOSAL – a Master Plan, capital improvements program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

PUBLIC DRAINAGE WAY – the land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion.

PUBLIC UTILITY – a closely regulated private enterprise with an exclusive franchise for providing a public service. For the purposes of this Ordinance, the term “public utility” shall include such uses as telephone dial equipment centers, power substations and other utilities serving the public, such as sewage treatment plants, but shall exclude dumps and sanitary landfills.

QUORUM – means the majority of the full authorized membership of a municipal agency.

RECREATIONAL VEHICLE – a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailer, trucks campers, camping trailers and self-propelled motor homes.

REPAIR – shall mean any work done on any improvement which is not an addition to the improvement, and does not change the appearance of the exterior surface.

REPLACEMENT – shall mean repairs when a building permit is required for same building.

RESIDENTIAL CARE FACILITIES FOR THE ELDERLY – shall mean a development of apartment and/or townhouse residential living units intended exclusively for and solely occupied by persons sixty-two (62) years of age or older; housing intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit, subject to the further condition that eighty percent (80%) of the units must be occupied by at least one person fifty-five (55) years of age or older, with ancillary and directly related facilities.

RESTAURANT – shall mean any premises where food is commercially sold for on-premises consumption to patrons seated at tables or counters. Any facility making use of carhop or parking lot service to cars or for the consumption of food to be eaten in said cars or outdoors, shall not be considered a Restaurant for the purpose of this article, and shall be deemed to be a drive-in or take-out establishment.

RESTAURANT, DRIVE-IN OR TAKE-OUT – any retail food establishment such as a restaurant, refreshment stand, snack bar, dairy bar, hot dog or hamburger stand, where food is served primarily for consumption at counters, stools or bars outside the building or primarily for consumption in automobiles parked on the premises or off the premises, whether brought to said automobiles by the customer or by employees of the restaurant, regardless of whether or not additional seats or other accommodations are provided for customers inside the buildings; however, no transaction may be made on the street or sidewalk.

RE-SUBDIVISION – shall mean the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, or, the alteration of streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but not including conveyances so as to combine existing lots by deed or other instrument.

RIGHT-OF-WAY LINES – shall mean the boundary lines of land used or intended for use as streets, as shown on deeds, plats, or the Master Plan, and from which yard and other requirements shall begin.

RIPARIAN LANDS – those tidal lands of the State of New Jersey which are not or were formerly flowed by mean high water.

ROOMING HOUSE – any building or portion thereof containing sleeping accommodations without individual cooking facilities for compensation for people who are not members of the family as defined in this Ordinance. The term “rooming house” shall be deemed to include lodging house and boarding house.

SATELLITE EARTH STATION ANTENNAS – a parabolic or dish-shaped antenna which is constructed or installed out of doors and designated for the purpose of receiving television, radio, microwave, or any other form of electronic signals transmitted or relayed directed from space satellite antennas to such device.

SCHOOL – shall mean any public or private institution offering instruction for students up to and through the secondary level.

SEDIMENTATION – the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

SETBACK – shall mean an area extending the full width of the lot between the street right-of-way and the required yard within which no buildings or parts of buildings may be erected.

SETBACK LINE – shall mean a line drawn parallel with a street line or proposed street line or lot line and drawn through the point of a building nearest to the street or lot line.

The term “required setback” means a line that is established a minimum horizontal distance from the street line or proposed street line or lot line and beyond which a building is not permitted to extend toward the street line or lot line.

SHADE TREE – a tree in a public space, street, special easement, or right-of-way adjoining a street.

SIDEWALK AREA – a paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

SIGHT TRIANGLE – a triangular area established in accordance with the requirements of this Ordinance in which no grading, planting or structure shall be erected or maintained more than thirty inches (30”) above the street center-line except for street signs, fire hydrants and light standards.

SIGN AND ADVERTISING STRUCTURE – any structure or part thereof, or any device attached to a building or painted or represented thereon, which shall display or include any letter, word, model, banner, pennant, insignia, device, trade flag, symbol, or representation which is in the nature of, or which is used as an announcement, direction or advertisement for commercial purposes or otherwise. A sign includes any message, neon tube, string of lights, or similar device outlining, hung, painted upon or attached to a part of a building or lot for public view for those outside building, but does not include the flag or insignia of any nation or group of nations, or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, organization or event.

SIGN AREA – the area defined by the frame or edge of a sign. When there is no geometric frame or edge to the sign, the area shall be defined by as projected, enclosed, four-sided (straight side) geometric shape which most closely outlines the said sign.

SIGN FUNCTIONS – these may include, but not be limited to the following:

- a) **Advertising** – a sign directing attention to a business commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is located.
- b) **Business** – a sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered upon the same premises as those upon which the sign is located.
- c) **Directory** – a sign of permanent character, but with interchangeable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises whereon a sign is maintained.
- d) **Identification** – a sign other than a bulletin board, directory or nameplate sign, indicating the name of a permitted use, the name and address of a building, or the name of the management thereof, or the date(s) of construction thereof.
- e) **Instructional** – a sign conveying instructions with respect to the premises on which it is maintained, such as parking lot entrance or exit signs, and danger signs.
- f) **Nameplate** – a sign indicating the name, address and/or profession or occupation of a person.
- g) **Public** – signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his duty, such as safety signs, danger signs, memorial plaques or citations, official court and public notices, signs or historical interest, and the like.
- h) **Temporary** – a sign which is designed to advertise or announce, for a limited period, a particular event or series of events, to solicit political support, or to announce the availability for sale of a particular item or items.

SIGN HEIGHT – the greatest vertical dimension between the top of a sign and the ground.

SIGN, ILLUMINATED – any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent light.

SIGN, INTERIOR – any sign that is affixed to or painted on the interior of a window or any sign located inside and within three feet of the face of the window, which sign is designed to be visible from the exterior of the window.

SIGN TYPES – these may include, but not be limited to the following types:

- a) **Awning** – a sign which is attached to or made part of an awning.
- b) **Ground** – a freestanding sign supported by uprights or braces in or upon the ground and not attached to any part of a building.
- c) **Hanging** – a sign designed to project beyond the front face and perpendicular to it over a public walkway.
- d) **Integral** – a sign carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
- e) **Marquee** – a sign attached to or hung from a marquee, canopy, or other covered structure project from and supported by the building.
- f) **Roof** – a sign which is erected, constructed or maintained on, above or as part of the roof of any building.
- g) **Wall** – a sign which is attached directly to the building and is parallel to the building.
- h) **Wall Painted** – a sign which is painted directly on the side of a building or structure.

SITE – shall mean the place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains, or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may also be the location of a ruined building, structure, or object if the location itself possesses historic, cultural, or archeological significance.

SITE PLAN – shall mean a development plan of one (1) or more lots on which is shown the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plans, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; and any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with the requirements of this Ordinance.

MAJOR SITE PLAN – any development plan not classified as a minor site plan.

MINOR SITE PLAN – any development plan which:

- a) Is limited to the proposed construction of any permitted accessory use(s) other than fences and signs, such as a garage, carport, or off-street parking area, as such accessory uses are specifically permitted in this Ordinance, provided major site plan approval has been previously granted for the principal use, or:
- b) Consists of an expansion of, addition to, or alteration of, an existing conforming structure and/or use not exempted from site plan review and;

1. Not accounting for more than five percent (5%) additional building coverage or five percent (5%) additional lot coverage.
2. Not exceeding more than two thousand (2,000) cubic feet of enclosed and roofed area.
3. Not involving a planned development.
4. Not entailing the installation of any road improvements or the expansion of public facilities.
5. Not involving any new street or extension of any off-tract improvement which is to be pro-rated pursuant to Section 30 of New Jersey Statutes Annotated (N.J.S.A. 40:55D-42).

An application for a minor site plan shall contain information reasonably required in order to make an informed determination as to whether the requirements established by Ordinance for approval of a minor site plan have been met.

STORY – that part of any building comprised between the level of one (1) finished floor and the level of the next higher finished floor; or, if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

STREET – shall mean any street, avenue, boulevard, road, parkway, viaduct, drive or other way; which is an existing State, County or Municipal roadway; or which is shown upon a plat heretofore approved pursuant to law; or which is approved by official action as provided by this chapter; or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and included the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. For the purposes of this Ordinance, streets shall be classified as follows:

- a) Arterial Streets – are those which are used primarily for fast or heavy traffic.
- b) Collector Streets – are those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.
- c) Minor Streets – are those which are used primarily for access to the abutting properties.
- d) Marginal Access Streets – are streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.
- e) Alleys – are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

STREET FURNITURE – man-made, above-ground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters, and phone booths.

STREET HARDWARE – the mechanical and utility systems within a street right-of-way such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, parking meters and the like.

STREET HIERARCHY – the conceptual arrangement of streets based upon function. A hierarchical approach to street design classifies streets according to function, from high traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use, and residential quality.

STREET LINE – shall mean the edge of the existing or future street right-of-way, whichever may result in the widest right-of-way, as shown on the adopted Master Plan or Official Map, forming the dividing line between the street and a lot.

STREET, LOOP – a street that has its only ingress and egress at two points on the same sub-collector or collector street.

STRUCTURAL TRIM – the molding, battens, cappings, mailing strips, latticing, platforms and letters, figures, characters or representations in cut out or irregular form which are attached to the sign structure.

STRUCTURE – a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land. Houseboats are not included.

STRUCTURE ALTERATION – any change in the structural members of a building such as walls, columns, beams or girders.

SUBDIVIDER – any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or for another.

SUBDIVISION – the division of a lot, tract or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this act, if no new streets are created; division of land found by the Planning Board to be for agricultural purposes where all resulting parcels are five (5) acres or more in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order including, but not limited to, judgments of foreclosure; consolidation of existing lots by deed or other recorded instrument; and the conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the Administrative Officer to conform to all requirements of the municipal development regulations and which are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term “sub-division” shall also include the term “re-subdivision”.

SUBDIVISION MAJOR – shall mean any division of land not classified as a minor subdivision.

SUBDIVISION, MINOR – shall mean any division of land containing an aggregate of not more than five (5) lots, four (4) new lots and the remaining parcel, each fronting on an existing street or streets; not involving any new street or the installation of any street improvements or the extension of Borough facilities; not involving any streets requiring additional right-of-way width as specified in the Master Plan or official maps and/or the street requirements of this chapter, unless such additional right-of-way width, either alone on one (1) or both sides of said street(s), as applicable, shall be deeded to the Borough or to the appropriate governmental authority prior to classification as a minor subdivision; not involving any required “off-tract” improvements; not adversely affecting the development of the remainder of the parcel of adjoining property; not being a further division of an original tract of land for which previous subdivision(s) have been approved by the Borough within the current calendar year and where the combination of the proposed and previously approved minor subdivision(s) constitute a major subdivision; not involving a planned development; and not being deficient in those details and

specifications required of minor subdivisions as specified in this chapter. The original tract of land shall be considered any tract in existence at the time of the adoption of this Land Development Ordinance as shown on the Borough tax maps. Any readjustment of lot lines resulting in new lots shall be classified as a minor subdivision for purposes of the application submission and review requirements but not for purposes counting whether there has been a subdivision within the current calendar year.

SUITE OF ROOMS – in a motel or multi-family is two (2) or more rooms intended to be occupied by one (1) family or party and served by one (1) bath and shall not include interconnecting rooms each with bath and separate outside entrance.

SWIMMING POOL, WADING – a swimming pool that is not permanently installed and meets all of the following criteria; does not require water filtration, circulation, and purification; does not exceed fifteen inches (15”) in depth or a capacity of 300 gallons or less; and does not require braces or supports. Portable swimming pools are not subject to this Ordinance.

SWIMMING POOL, PRIVATE – a swimming pool, other than a wading pool, whether portable or fixed, that is located on a lot principally used for a dwelling unit by one housekeeping unit, and including all buildings, structures, and equipment appurtenant thereto.

SWIMMING POOL, PUBLIC – any pool other than a private residential swimming pool designed to be used collectively by persons for swimming and bathing purposes including pools designed as part of any hotel or motel use or apartment or townhouse development.

TRAILER – a structure of vehicular, portable design built on a chassis and designed to be moved from one side to another and to be used with or without a permanent foundation, provided, however, that a boat trailer shall not be considered a trailer.

TEMPORARY TRAILER – a movable trailer or manufactured mobile office which is licensed by the Construction Official to be located on a construction site for a period of time deemed appropriate by the Construction Official given the scope of the construction project.

TOP SOIL – the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plant life.

USABLE RECREATION SPACE – open space designed and developed to be utilized for the purpose of recreation whether it be park land, ball fields, beaches, waterfront or playgrounds.

USE – the specific purpose for which a parcel of land, a building or a portion of a building is designed, arranged, intended, occupied or maintained. The term “permitted use”, or its equivalent, shall not be deemed to include any non-conforming use.

USE, PRINCIPAL – shall mean the main or primary purpose or purposes for which land and/or structure(s), or use therefore is designed, arranged, or intended or for which they may be occupied or maintained under this Article. All other structures or uses on the same lot and incidental or supplementary thereto and permitted under this chapter, shall be considered accessory uses.

USE, ACCESSORY – a use which is customarily associated with and subordinate to the principal use of a lot or a building and which is located on the same lot therewith.

VARIANCE – shall mean permission granted to an applicant for the development by the Planning Board or the Zoning Board of Adjustment, as the case may be, to depart from the literal requirements of the zoning provisions of this Ordinance.

VEHICULAR SIGN – any sign permanently or temporarily attached to a non-operating vehicle, including but not limited to a car, truck, van or bus.

YARD – shall mean a ground area, unoccupied space open to the sky except for permitted fences, garden walls, plantings and access-ways, and that portion of any lot extending inward from the lot or street line for the distance required by the district within which the lot is located.

YARD, FRONT – shall mean a ground area, unoccupied except for the planting and/or access-ways fully open to the sky, between the street line and a line drawn parallel thereto along the front of the building, extending from lot line to lot line.

YARD LINE – shall mean a line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this Ordinance.

YARD, REAR – shall mean a ground area, unoccupied except for permitted fences, garden walls, planting and/or access-ways, fully open to the sky, between the rear lot line and a line drawn parallel thereto along the rear of the building extending from lot line to lot line.

YARD, REQUIRED – shall mean any yard measured between a line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this Ordinance.

YARD SIDE – shall mean a ground area, unoccupied except for permitted fences, garden walls, planting and/or access-ways, fully open to the sky, between any lot line other than a street or rear lot line, and a line drawn parallel thereto along the side of the building, between the front and rear yards.

ZONING BOARD – shall mean the Zoning Board of Adjustment as established under this chapter.

ZONING DISTRICT – shall mean a finite area of land, as designated by its boundaries on the zoning map, through which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

ZONING MAP – shall mean the map annexed to and made part of this chapter, indicating zoning districts.

ZONING OFFICER – shall mean the municipal official appointed by the Borough Commissioners to carry out the literal provisions of the Zoning Ordinance.

ZONING PERMIT – shall mean a document signed by the administrative officer which either is required by Ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building; or which acknowledges that such use, structure or building complies with the provisions of the municipal Zoning Ordinance or variance therefrom duly authorized by a municipal agency pursuant to N.J.S.A. 40:55D-60 and 40:55D-70.